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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,786	02/07/2006	Armando Donati	3687-148	8749

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NIXON & VANDERHYE, PC  
901 NORTH GLEBE ROAD, 11TH FLOOR  
ARLINGTON, VA 22203

EXAMINER
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WHITE, RODNEY BARNETT

ART UNIT	PAPER NUMBER
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3636

MAIL DATE	DELIVERY MODE
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06/18/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/562,786	<b>Applicant(s)</b> DONATI, ARMANDO	
	<b>Examiner</b> Rodney B. White	<b>Art Unit</b> 3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 30 May 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some    c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Priority***

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Italy on 04/06/2005. It is noted, however, that applicant has not filed a certified copy of the Italy MI2005 U 000116 04/06/2005 application as required by 35 U.S.C. 119(b).

### ***Claim Objections***

Claims 1-7 are objected to because of the following informalities: In the claims, the word "Synchronisation" should be - - synchronization - -. The word should be changed in the specification and claims. Also, in the claims, not only is the word "characterised" misspelled (it should be - - characterized - -), it should be removed from the claims because the language "characterised in that" is improper language and not recommended for use in claim language. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is not clear as to whether Applicant intends to claim the "Synchronisation mechanism" in combination with "chairs or armchairs" and more specifically, in combination with the "base", the "seat frame", the "backrest frame". In claim 1, lines 1-2, Applicant claims "Synchronisation mechanism for chairs or armchairs, of the type provided with a base, on which at least one seat frame and at least one backrest frame are hinged". In the preamble of the claim, Applicant appears to only define or claim a "Synchronisation mechanism" and the "chairs or armchairs" are not part of the invention. Therefore, the "base", the "seat frame", and the "backrest frame" are not part of the invention as well. However, on lines 3-4, Applicant defines "at least one stiffening spring positioned between said base and said backrest frame" and on line 8, he defines "at least one cam element hinged to said base", and on lines 9-10, "the other end of said at least one spring being linked to said backrest frame." When applicant uses such language such as "hinged to said base" and linked to said backrest frame", he makes the "base" and "backrest frame" part of the invention. Perhaps Applicant should re-word the claim to read - - A chair synchronization mechanism for a chair, said synchronization mechanism comprising a base on which at least one seat frame and at least one backrest frame are hinged..... - - or re-word it to read - - A chair comprising: a base on which at least one seat frame and at least one backrest frame are hinged, a chair

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synchronization mechanism, said synchronization mechanism comprising at least one stiffening spring positioned between said base and said backrest frame..... - -.

These same errors are made in claims 2-3 when Applicant uses "hinged at one end to said base" and "linked in rotation to said base". However, if the corrections suggested above are made, such language would not be in error.

The aforementioned problems render the claims vague and indefinite.

Clarification and/or correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000.

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Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-7, so far as understood, are rejected under 35 U.S.C. 102(e) as being anticipated by Bock (U.S. Patent No. 6,796,611 B2).

Bock teaches a synchronization mechanism for chairs or armchairs, of the type provided with a base, on which at least one seat frame 4 and at least one backrest frame 3 are hinged, at least one stiffening spring 23 positioned between said base and said backrest frame, in addition to a device for adjustment of the stiffness of said at least one spring comprising means to move one end of said at least one spring with respect to its other end, characterized in that said means for moving one end of said at least one spring with respect to its other end comprise at least one cam element 35 hinged to said base, said cam element acting on the end to be moved of said at least one spring, the other end of said at least one spring being linked to said backrest frame, characterised in that said means for moving one end of said at least one spring with respect to its other end comprise at least one connecting rod 26, hinged at one end to said base and engaged, at its other end, with the end to be moved of said at least one spring, and in that said cam element engages with said at least one connecting rod, said cam element is operated by means of a control stem 11,12 linked in rotation to said base, said stiffening spring is a helical spring, comprising at least one movable striker element for anchoring of the end to be moved of said at least one spring in which said movable striker element is linked in rotation to the end not hinged on said base of said

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connecting rod (see column 5, lines 4-56, said at least one spring (4)-is arranged along an axis substantially parallel to the horizontal.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Heidmann and Hatcher et al teach structures similar to the present invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney B. White whose telephone number is (571) 272-6863. The examiner can normally be reached on Monday-Friday.

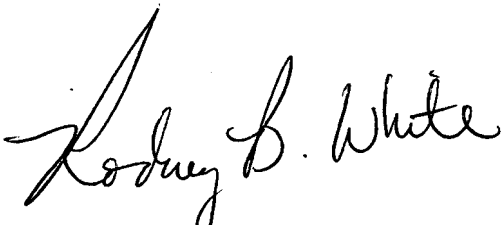
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Dunn can be reached on (571) 272-6670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Rodney B. White,  
Patent Examiner  
Art Unit 3636  
June 11, 2007



**RODNEY B. WHITE**  
**PRIMARY EXAMINER**